State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-1016/1
RAC:jld:km

2001 ASSEMBLY BILL 180

March 8, 2001 – Introduced by Representative SCHNEIDER, cosponsored by Senator WIRCH. Referred to Committee on Labor and Workforce Development.

AN ACT ***to amend*** 13.20 (2), 111.825 (1) (intro.), 111.825 (2) (intro.), 111.84 (2) (c), 111.91 (4), 111.93 (2), 230.10 (2) and 230.34 (1) (ar); and ***to create*** 111.81 (7) (f) and 111.81 (7) (g) of the statutes; **relating to:** extending the State Employment Labor Relations Act to certain legislative employees.

Analysis by the Legislative Reference Bureau

This bill extends the State Employment Labor Relations Act (SELRA) to cover legislative policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses, other individuals employed by the assembly and senate, and unclassified employees of all legislative service agencies, except supervisors, management employees, and individuals who are privy to confidential matters affecting the employer–employee relationship. Under the bill, all covered legislative employees are merged into current statewide collective bargaining units for employees in the classified service in accordance with their occupations.

Under SELRA in current law, employees in the bargaining units have the right to vote in an election conducted by the employment relations commission (commission) as to whether there shall be collective bargaining and, if so, with which representative. Mandatory subjects of collective bargaining are wages, fringe benefits, hours, and conditions of employment. The unfair labor practices currently applicable to represented employees are extended to apply to legislative employees covered by the bill, to their labor unions, and to the state as their employer. No compulsory means of dispute settlement are provided.

Under SELRA in current law, strikes are prohibited. Strikes constitute an unfair labor practice and may be enjoined by a court. Currently, strikes by covered legislative employees are not authorized, but no law specifically treats the matter.

"Fair–share" (agency shop) and "maintenance of membership" agreements similar to those currently provided for represented employees are authorized. Under an agency shop agreement, the state must deduct the amount of dues uniformly required of all members of a union for the cost of the collective bargaining process and contract administration from the paychecks of all employees in the bargaining unit represented by that union, regardless of whether the employees are union members, and pay the total amount deducted to the union. Such an agreement requires the approval of two–thirds of the employees voting in a unit before it may take effect; it may also be discontinued according to a similar procedure.

Under a maintenance of membership agreement, the state must deduct the amount of dues uniformly required of all members of a union for the cost of the collective bargaining process and contract administration from the paychecks of all employees in the bargaining unit who are members of the union, and all employees who are hired after the effective date of the agreement, and pay the total amount deducted to the union. A maintenance of membership agreement requires the approval of a majority of the employees voting in a unit before it may become effective, and may also be discontinued according to a similar procedure.

Currently, no employment relations act applies to legislative policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses, other individuals employed by the assembly and senate, and unclassified employees of all legislative service agencies. Although these employees may organize and join labor unions, the state is not required to recognize or bargain collectively with them by statute. The commission has no responsibility to conduct elections, mediate disputes, arbitrate grievances, or adjudicate alleged unfair labor practices involving these employees and their employer.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.20 (2) of the statutes is amended to read:

13.20 **(2)** PAY RANGES; DURATION OF EMPLOYMENT. ~~All~~ Except where compensation is a subject of bargaining with a certified representative of a collective bargaining unit under s. 111.91, legislative employees shall be paid in accordance with the compensation and classification plan for employees in the classified civil service within ranges approved by the joint committee on legislative organization. The

secretary of employment relations shall make recommendations concerning a compensation and classification schedule for legislative employees if requested to do so by the joint committee on legislative organization or by the committee on organization of either house. If the joint committee does not approve pay ranges for legislative employees, the committee on organization of either house may approve pay ranges for its employees. Appointments shall be made for the legislative session, unless earlier terminated by the appointing officer.

SECTION 2. 111.81 (7) (f) of the statutes is created to read:

111.81 **(7)** (f) Legislative policy research personnel, assistants to legislators, research staff assigned to legislative committees and party caucuses, and other individuals employed under s. 13.20, except supervisors, management employees, and individuals who are privy to confidential matters affecting the employer–employee relationship.

SECTION 3. 111.81 (7) (g) of the statutes is created to read:

111.81 **(7)** (g) Employees of legislative service agencies, as defined in s. 16.70 (6), except supervisors, management employees, and individuals who are privy to confidential matters affecting the employer–employee relationship.

SECTION 4. 111.825 (1) (intro.) of the statutes is amended to read:

111.825 **(1)** (intro.) It is the legislative intent that in order to foster meaningful collective bargaining, units must be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, collective bargaining units for employees in the classified service of the state, except for employees in the collective bargaining units specified in s. 111.825 (1m), and for employees in the unclassified service of the state specified in s. 111.81 (7) (f) and (g),

are structured on a statewide basis with one collective bargaining unit for each of the following occupational groups:

SECTION 5. 111.825 (2) (intro.) of the statutes is amended to read:

111.825 **(2)** (intro.) ~~Collective~~ Except as provided in sub. (1), collective bargaining units for employees in the unclassified service of the state shall be structured with one collective bargaining unit for each of the following groups:

SECTION 6. 111.84 (2) (c) of the statutes is amended to read:

111.84 **(2)** (c) To refuse to bargain collectively on matters set forth in s. 111.91 (1) with the duly authorized officer or agent of the employer which is the recognized or certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified exclusive collective bargaining representative of employees specified in s. 111.81 (7) (b) ~~or (c)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

SECTION 7. 111.91 (4) of the statutes is amended to read:

111.91 **(4)** The secretary of the department, in connection with the development of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a), shall endeavor to obtain tentative agreements with each recognized or certified labor organization representing employees or supervisors of employees specified in s. 111.81 (7) (a) and with each certified labor organization representing employees specified in s. 111.81 (7) (b) ~~or (c)~~ to (f) which do not contain any provision for the payment to any employee of a cumulative or noncumulative amount of compensation in recognition of or based on the period of time an employee has been employed by the state.

SECTION 8. 111.93 (2) of the statutes is amended to read:

111.93 **(2)** All civil service and other applicable statutes concerning wages, fringe benefits, hours and conditions of employment apply to employees specified in s. 111.81 (7) (a) who are not included in collective bargaining units for which a representative is recognized or certified and to employees specified in s. 111.81 (7) (b) ~~or (c)~~ to (f) who are not included in a collective bargaining unit for which a representative is certified.

SECTION 9. 230.10 (2) of the statutes is amended to read:

230.10 **(2)** The compensation plan in effect at the time that a representative is recognized or certified to represent employees in a collective bargaining unit and the employee salary and benefit provisions under s. 230.12 (3) (e) in effect at the time that a representative is certified to represent employees in a collective bargaining unit under subch. V of ch. 111 constitute the compensation plan or employee salary and benefit provisions for employees in the collective bargaining unit until a collective bargaining agreement becomes effective for that unit. If a collective bargaining agreement under subch. V of ch. 111 expires prior to the effective date of a subsequent agreement, and a representative continues to be recognized or certified to represent employees specified in s. 111.81 (7) (a) or certified to represent employees specified in s. 111.81 (7) (b) ~~or (c)~~ to (f) in that collective bargaining unit, the wage rates of the employees in such a unit shall be frozen until a subsequent agreement becomes effective, and the compensation plan under s. 230.12 and salary and benefit changes adopted under s. 230.12 (3) (e) do not apply to employees in the unit.

SECTION 10. 230.34 (1) (ar) of the statutes is amended to read:

230.34 **(1)** (ar) Paragraphs (a) and (am) apply to all employees with permanent status in class in the classified service and all employees who have served with the state as an assistant district attorney for a continuous period of 12 months or more, except that for employees specified in s. 111.81 (7) (a) in a collective bargaining unit for which a representative is recognized or certified, or for employees specified in s. 111.81 (7) (b) ~~or (c)~~ to (f) in a collective bargaining unit for which a representative is certified, if a collective bargaining agreement is in effect covering employees in the collective bargaining unit, the determination of just cause and all aspects of the appeal procedure shall be governed by the provisions of the collective bargaining agreement.

SECTION 11. Initial applicability.

(1) This act first applies to collective bargaining agreements negotiated for the 2001–03 fiscal biennium.

(END)